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FISCAL IMPACT REPORT

ORIGINAL DATE 2/14/07

SPONSOR Lopez LAST UPDATED _____ HB _____

SHORT TITLE Programs for Incarcerated Parents and Kids SB 881

ANALYST Lucero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$3,320.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB198; Duplicates HB64 and HB258

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Children, Youth and Families Department (CYFD)

New Mexico Corrections Department (NMCD)

Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 881 appropriates three million three hundred twenty thousand dollars (\$3,320,000) from the general fund to the Children, Youth and Families Department for expenditure in fiscal year 2008 for the following purposes:

- Two million six hundred thousand (\$2,600,000) to contract with community-based providers to work within local detention facilities to link children and their caretakers to resources and to facilitate communication and visitation between jailed and incarcerated parents and their children.
- Five hundred twenty thousand dollars (\$520,000) to contract with four detention facilities to develop and implement contact visitation programs between jailed and incarcerated parents and their children.
- Two hundred thousand (\$200,000) for equipment to establish videoconferencing

capability between Children, Youth and Families Department and Corrections Department detention facilities.

FISCAL IMPLICATIONS

The appropriation of three million three hundred twenty thousand (\$3,320,000) contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

The appropriation exceeds the amount proposed in the executive budget. The executive recommended \$75,000 for video conference equipment and \$150,000 for a contact visitation program for incarcerated adults and juveniles.

CYFD states that given the tasks and responsibilities needed to provide request for proposals, contract issuances and program development, it may not be possible to fully implement programs within the fiscal year. Further, any such programs developed would need future fiscal support to maintain.

There are no direct fiscal implications for the Corrections Department. The department may indirectly benefit from this bill if the CYFD money is used to help pay for various visitation programs between Department inmates and their children.

SIGNIFICANT ISSUES

The bill could positively influence how certain inmates behave in prison and the relationships between those inmates and their children. A goal is the prevention of intergenerational crime and incarceration.

Children whose parents have been arrested and incarcerated experience the trauma of sudden separation from their sole caregiver, and most are vulnerable to feelings of fear, anxiety, anger, sadness, depression and guilt. They may be moved from caretaker to caretaker. The behavioral consequences can be severe, absent positive intervention—emotional withdrawal, failure in school, delinquency and risk of intergenerational incarceration.

PERFORMANCE IMPLICATIONS

This supports a recommendation of the “Blue Ribbon Panel” on Jailed and Incarcerated Parents appointed by the Governor’s Office under the executive order 2006-022.

The bill could impact the following CYFD strategic plan and federal Child and Family Service Review performance measure: percent of children who are the subject of substantiated maltreatment within six months of a prior determination of substantiated maltreatment.

The bill could also impact CYFD’s performance on the federal Child and Family Service Review Family and Child Well-Being outcomes because families would have enhanced capacity to provide for their children's needs and for children to receive adequate services to meet their physical and mental health needs.

ADMINISTRATIVE IMPLICATIONS

If passed, the bill will have an administrative impact on children, youth and families department that the bill does not address.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to SB198; Duplicates HB64 and HB258.

TECHNICAL ISSUES

The bill is unclear as to whether county jails and state prisons are both beneficiaries of the programming. Section 1 A, item 1 in the bill mentions “local detention facilities”, item 2 is limited to four detention facilities, while item 3 specifically mentions the correction department detention facilities.

OTHER SUBSTANTIVE ISSUES

The Public Defender Department states that the majority of people incarcerated will be released back into the community and to their families at some point in the future. Establishing and keeping positive ties with family and community is critical in reducing recidivism. The bill may have a favorable impact on the Department as family contact has been shown to reduce recidivism.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

DL/csd